

1873-019 Chancery Causes: Mary A. Ball vs. Carlou Gray &  
Lee Co.

Brown, Britton, Morgan, Pridemore

CA-Estate Dispute  
T-Property

So the Honorable John A. Riley Judge  
of the Circuit Court of said County  
may & Ball of said County  
your Brother, would Respectfully  
Represent unto your Honor that  
Your Husband & 100,000 of Ball departed  
this life in the year 1882 seized  
and possessed of a tract of Land  
situated in said County adjoining  
the Lands of Mr Ball Frank Clark,  
and other whom with your Brother's lines  
containing acres. some time prior  
to the death of her said Husband he made  
and executed his <sup>last</sup> will, in due and  
proper form properly attested. he therein  
directed that all his debts be paid out of  
his property, all the rest and residue  
of his real & personal Estate of every  
kind whatever. he directed to  
your Brother to her sole use &  
benefit during her lifetime or during  
her widowhood. after the death  
of your Brother's personal property  
his real Estate and any residue of  
of his personal property that might remain  
at the said death of your Brother he directed  
should be equally divided between  
his children except that John Ball  
one of his children was to have the  
dwelling house in addition to an equal



division of his property. He also appointed  
James O'Brien Executor of his Estate and that  
no bond should be required of her when  
she should qualify some time after  
the death of James O'Brien said Husband  
she presented said will to the Court  
of Record for Probate and introduced  
Mm J. Brown & Bartlett Thompson two of  
the subscribing witnesses to said will who  
promised due execution and the same  
was admitted to Probate in solemn form  
and James O'Brien qualified as Executor  
under said will a copy of the Court  
admitting said will to Probate ~~is~~ <sup>was</sup> ~~is~~  
is here filed as part of this Bill marked  
(7) "James O'Brien" <sup>O'Brien</sup> went on to perform his duties  
as executor in settling up the affairs of said  
Estate after said will was admitted to  
Probate & duly recorded in the Will Book  
used by the Clerk of said Court for the recording  
of wills which was done in the year 1880  
James O'Brien made several collections of  
notes concerning said Estate, and had a suit  
pending in the Court in the year 18  
concerning the sale of a negro when he  
deceased & Peter O'Hanrahan said will this  
was some time about the day of June 1878  
when it was found still remaining in the  
Clerk's office as it had been recorded  
James O'Brien was a very short time since  
very much surprised when she learned  
~~that the same was still in the hands of the~~







Amor

will by all necessary & proper Orders & Decrees  
and Establish  
Satisfy and have effect committed to proper or need  
said will & testament of said  
and the said Honor will by all necessary  
Orders and all such other just and  
General relief as to Equity belongs and is  
suitable to the peculiar circumstances of  
his case  
The Court doth accordingly with of said issue  
directed &c

John P. Morrison

1843. April 13. Bill filed in Chancery

1843. Bill in Chancery

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Mary A. Ball

vs. Charles Gray et al

This cause came on this day to be heard upon the bill, the exhibit filed marked A, the depositions of witnesses and was argued by Counsel. On consideration whereof, and it appearing to the Court that process has been duly served on all the defendants and the decree nisi entered at rules has been fully confirmed, it is therefore adjudged, ordered and decreed that the complainant's bill be taken for confessed, and that the will of the decedent and testator George W. Ball, in the bill named, be declared to be to this effect, First: that all the debts of the said testator shall be paid out of his estate.

Second: that the said testator devises and bequeaths to his wife, (the plaintiff), <sup>subject to the payment of his debts</sup> all his estate both real & personal for her life, or during her widow<sup>hood</sup>, her interest to determine either by her death, or by her marriage.

Third: Upon the death, or marriage of the said Mary Ball, whichever event shall first happen, the real estate and any residue of ~~her~~ personal estate of the said testator shall be equally divided between his children, except that John Ball, one of his ~~children~~, shall have the dwelling house of said testator, in addition to an equal part of testator's said property.

Fourth: the plaintiff, Mary A. Ball, shall be & is appointed by said testator executrix of ~~the~~ <sup>his</sup> testator's will: and it is ordered that a copy of this decree be delivered to



the clerk of the County Court of Dec, to be entered of record in the will book & indexed as the will of said George W. Ball.

And it is further adjudged, ordered & decreed that the plaintiff be quieted in the possession of such property as she holds under said will as hereby set up, and that she may recover and hold any property disposed of by the said will as fully under this decree as if the original will had not been lost or destroyed. But inasmuch as the bill does not charge any one of the defendants with complicity in the destruction of the record of said will, <sup>or the destruction of the original will</sup> and as the evidence does not implicate any one of them in the same, and as the defendants have not controverted the plaintiff's right to this decree, no costs are adjudged against them. And this being a final decree the cause is ordered to be stricken from the docket.

May A. Ball

4/3 Decree final

Col. Gray et al

Augt. 28. 1873

Ente. J. A. H.

Entered order Book page

292-4 293.

James W. Carr, Clerk



Judge H. J. Morgan's Office, Jonesville Va July 2<sup>nd</sup> 1873.

Mary A. Ball ----- Plaintiff

vs.

Carlow Gray & others ----- Defendants

} In Chancery.

The deposition of Hon. Henry J. Morgan, Genl. A. L. Pride-  
more and others, taken pursuant to notice, at the Office of said  
Morgan, in the town of Jonesville, Lee County Va, before the under-  
signed, a Notary Public in and for said County and State, on  
the 2<sup>nd</sup> day of July 1873, and which is intended to be read  
as evidence on behalf of the plaintiff, in the above styled cause,  
now pending in the Circuit Court of said County, in the State  
aforesaid.

The said Morgan, a witness of lawful age, being first duly  
sworn, deposes and says: - My present recollection is, that  
in October 1862 the last will & Testament of George W. Ball  
dec'd was produced before the County Court of Lee County Va,  
proven, and admitted to Probate. I was, at that time, Clerk  
of said Court and while the will aforesaid was recorded in  
my office, yet I think the manual labor of its recordation  
was done by some one then writing in my office for me. I have  
but little doubt in my own mind but that, at the time, I  
read the will and knew its contents, but I do not remember  
the fact distinctly. There is an impression now upon my mind  
that by the terms of said will the widow of the said George W.  
Ball was to have all of the real & personal estate of the de-  
ceased during the term of her natural life, but I am by no  
means certain whether that impression was derived from the  
reading of the will or from hearing other persons speaking about  
its contents, and I have no other impression as to the contents  
of said will except the one referred to.



At the June Term of the County Court for said County <sup>for the year 1870</sup> at the request of Genl. Pridemore or Mr Kane, or perhaps both I went with them or him into the Clerk's Office and exhibited the book containing said will as recorded, at which time there was no mutilation thereof. Sometime in the following Sept: or October, according to my present recollection, Mr. Harris asked me to shew him the will of Boyd Dickinson dec'd, and in searching for it, I found that the leaf <sup>or page</sup> upon which the will of George W. Ball dec'd had been recorded was torn from the Record-Book, as well as a part, if not all of that of Boyd Dickinson dec'd. And, upon further examination, I found that the original will, which is required to be filed in the Clerk's Office, had been extracted or at any rate I have not been able to find it in the place where I usually kept such wills (while Clerk of said Court) to the present time, altho' I have carefully searched for the same several times since, by permission of my successors in office.

Upon further reflection, my recollection is, that by the terms of said will Mary Ball - widow of said George W. was appointed Executrix thereof, and was directed to qualify as such without giving bond, and my recollection is that she did so qualify i.e. without giving bond. And further this witness saith not.

Henry J. Morgan

The said Pridemore, another witness of lawful age, being first duly sworn, deposes & says: - That he remembers distinctly having read the will of George W. Ball dec'd in the Clerk's Office of Lee County Court, and that at that time no part of the same was missing. As to the provisions

of said will, I have no distinct recollection. Mrs Ball - widow of said George W. - stated that a difference of opinion existed, as to the provisions of said will, between her & the heirs of her deceased husband, and in anticipation of a suit arising therefrom, she asked me to examine said will, and give her my opinion thereon, which I did, and while I don't recollect the exact provisions of the will, I am of opinion that the same were favorable to the widow or in accordance with what she claimed and advised her that the will would protect her in her claims & to rest easy and satisfied about the matter. Altho' I have stated that no part of said will was missing, I mean to be understood that the will presented the appearance of a complete Testamentary paper as recorded, when I examined it. And further this deponent saith not. J. L. Pridemore -

Thomas J. Brown, another witness of lawful age, being first duly sworn, deposes as follows: - I was a witness to the will made by George W. Ball dec'd, but did not read the will at the time I witnessed, although I knew the contents thereof at the time. I was present while the will was being written, and while I do not distinctly remember its provisions, yet my present impression is, that the Testator stated in his will that, after all his just debts were paid, he desired his wife to have all his real and personal property during her natural life or widowhood, and after her death he desired the same to be equally divided among his several heirs, and further this deponent saith not. Thos J. Brown.



Virginia, Lee County, to wit:— I, John B. West, a Notary Public  
in and for said County, in the State aforesaid, do hereby certify  
that the foregoing depositions were each taken, sworn to, and  
subscribed before me at the time, place, and for the purposes  
mentioned in the caption.

Given under my hand this, 2<sup>nd</sup>, day of July 1873.

John B. West, N.P.

Mary A. Ball

as Depositions

Caroline Gray & others.

Received by the hands of John B.  
West N.P. this 2<sup>nd</sup> day of July 1873  
D. W. D. D. D.

Notary's Fee \$1.50



Also Summon William Brown & Thomas J.  
Brown, to appear at the office of Hon. Henry  
J. Morgan, on the 22nd day of July 1873, to  
testify in behalf of Plff in a chancery cause  
now pending in the Circuit Court of Lee County wherein  
Mary A. Ball is Plff & Carlos Gray & others defts.  
Given under my hand this, 13th, day of May 1873.

John B. West, N.P.



Mrs J. Ball

vs J. Ball

as per copy

July 1<sup>st</sup> 1878.

Executed on the within  
named persons by deliver-  
ing to them a true  
copy of the within

Alson Summons

Brown and Thos. J. Brown

Thos. J. Brown D.S.

for C. L. Hamblen S.C.



5 67 W 27 poles to the fence.

8 5-7 E. 26 poles to a stake in the <sup>center</sup> north  
of the road.



Names & views of  
John M. Higgins

George W. Ball

Mary A. Ball

John Ball

William M. Brown  
& Elizabeth his wife

Ring Ann Brittain

Charles B. Gray  
& Matilda his wife



George W. Ball }  
Mary A. Ball }

Mrs. Britton Wm. H. Britton  
and he died & she is still a widow —  
John Ball William Brown &  
Brown his wife Caroline B. Gray  
and Gray his wife.

---

Mrs. Britton swapped her interest in the  
George W. Ball Land to Mrs. Brown &  
John Ball for their interests in the Mary  
A. Ball's Land

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- J. M. Ball's estate  
Per Dies & Co.



Virginia.

A Court begun and held for Lee County, at the  
Court house thereof on Monday the 21st day of October 1887  
The last will and testament of George W. Bull deceased was  
this day produced in Court. and proved by the oaths of  
William M. Brown and Burtis Thompson two of the  
witnesses thereto, and ordered to be recorded. And on  
the motion of Mary Ann Bull the Executrix therein  
named who made oath that the Testator having  
required of the said Executrix up bond and se-  
curity, certificate is granted her for obtaining a  
probate of the said will, in due form.

14 copy

Teste Wm. J. Orr J. C.

May Ann Bull Exr.  
Copy of Order of Court

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(21)



The Commonwealth of Virginia:

TO THE SHERIFF OF LEE

COUNTY—GREETING:

We command you to summon

*Carlow Gray, Matilda Gray,  
John Ball, William Brown, & Elizabeth Brown,  
and Lucy Britton.*

to appear at the clerk's office of the <sup>ancient</sup> county court of Lee, at the court house, on the first  
Monday in *April* next, being Rule day, to answer a bill in  
chancery exhibited in our said court against *them* by *Mary A. Bull*

and unless ~~they~~ shall answer the said bill within one month thereafter, the same will be  
taken for confessed, and the said court will decree accordingly. And have then there this  
writ. Witness, JAS. W. ORR, clerk of our said court at the court house, the *20th* day  
of *March* 187*2*, in the *71<sup>st</sup>* year of the Commonwealth.

*Jas. W. Orr J.C.*

Mary G. Bull

vs L. P. in lch.

Barlow Gray et al.

April. Rules 1873

Executed by deliver-  
ing to the within named  
persons an attested office  
copy of the within

Thos J. Brown. D.S.  
for C. L. Hambley. S.L.C.